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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,625	03/30/2001	Srinivas Gutta	US010124	7123

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

ENG, GEORGE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,625

Applicant(s)

GUTTA ET AL.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office action is in response to amendment filed 5/22/2003 (paper no. 6). Accordingly, claims 3-4 are cancelled and claims 1-2 and 5-7 are pending for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Davis, Jr. et al. (US PAT. 5,839,000 hereinafter Davis).

Regarding claim 1, Davis discloses a device (10, figure 1) for remotely controlling a camera having a lens, the device comprising a monitor (20, figure 1) to display a field of view of the lens, detection means (12, figure 1) for determining a gaze by a viewer (16, figure 1) upon an image in the field of view, and control means (30, figure 1) for selectively adjusting a zoom and a focus of the lens in a direction of the image using the gaze determined by the detection means (col.2 line 66 through col. 4 line 65).

Regarding claim 5, Davis discloses a device (10, figure 1) for remotely controlling a camera having a lens, comprising a monitor (20, figure 1) to display a field of view of the lens,

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and a processor (12, 28 and 30) configured to determine a gaze by a view (16, figure 1) upon an image in the field of view, and selectively adjusting a zoom and a focus of the lens in a direction of the image using the determined gaze(col.2 line 66 through col. 4 line 65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis, Jr. et al. (US PAT. 5,839,000 hereinafter Davis) in view of Marks et al. (US PAT. 5,845,009 hereinafter Marks).

Regarding claim 2, Davis differs from the claimed invention in not specifically teaching the device further comprising means for selectively adjusting pan orientation and a tilt

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orientation of the camera and selectively adjusting the zoom and focus of the lens as a function of a movement of the image. However, Marks teaches an object tracking system comprising means for tracking a field of view of a camera and controlling the camera, including panning, tilting, zooming and focusing, based on movement of the tracking object (col. 2 lines 39-63) and col. 3 line 37 through col. 4 line 48). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Davis in having means for selectively adjusting pan orientation and a tilt orientation of the camera and selectively adjusting the zoom and focus of the lens as a function of a movement of the image, as per teaching of Marks, because it improves the device in capable of automatically tracking a moving object within an image.

Regarding claim 6, the limitation of the claim are rejected as the same reasons set forth in claim 2.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis, Jr. et al. (US PAT. 5,839,000 hereinafter Davis) in view of Saruwatari (US PAT. 5,912,705).

Regarding claim 7, Davis teaches the processor to determine the gaze by generating an image of the viewer's face, using a pattern recognition technique on the image of the viewer's faces, wherein a recognition of eyelids is used as a reference to re-center a portion of the image on the monitor (col. 4 lines 3-60). Davis differs from the claimed invention in not specifically teaching to use an outer corner of either eye as a reference to determine an orientation of the pupils of the viewer's eyes. However, Saruwatari teaches a photographing apparatus having a visual axis detecting means utilizing an outer corner of either eye as a reference to determine an

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orientation of the eyeball of a photographer in order to achieve a higher speed and a higher accuracy of recognition of a gazing point (col. 3 line 29 through col. 4 line 15). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Davis in using the outer corner of either eye as a reference to determine an orientation of the pupils of the viewer's eyes, as per teaching of Sarueatari, because it achieves a higher speed and a higher accuracy of recognition of a gazing point.

Response to Arguments

7. Applicant's arguments with respect to claims 1-2 and 5-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takagi et al. (US PAT. 5,623,703) discloses a camera capable of detecting eye-gaze (abstract). Tsukahara et al. (US PAT. 5,515,130) discloses a camera control device capable of detecting the eye-gaze direction of the user (col. 1 line 63 through col.4 line 36). Maquire, Jr. (US PAT. 6,307,589) discloses a apparatus for providing an eye direction signal having a magnitude indicative of a direction of a visual axis of a human eye (abstract).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any response to this final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


George Eng

Examiner

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